

**CITY OF DEXTER
ZONING BOARD OF APPEALS
MINUTES
MONDAY, SEPTEMBER 16, 2019**

A. CALL TO ORDER:

The meeting was called to order at 7:07 PM by Chairperson Mekas at the Dexter Senior Center located at 7720 Ann Arbor Street in Dexter, Michigan.

B. ROLL CALL: Members present

P. Mekas, Chair	D. Wise	C. Hill, Alternate – abs, rec.
C. Wallaker	S. Stewart, PC Rep	Z. Michels, CC Rep - abs

Also present: Mike Auerbach, Assistant Planner, Carol Watkins, applicant.

C. APPROVAL OF THE MINUTES

1. Regular Meeting – August 19, 2019

Motion Wallaker; support Wise to postpone the approval of the minutes of the Regular Meeting of the ZBA for August 19, 2019.

Unanimous voice vote approval with Michels absent.

D. APPROVAL OF THE AGENDA

Motion Mekas; support Wise to approve the agenda as presented

Unanimous voice vote approval with Michels absent.

E. STAFF REPORT

Mr. Auerbach presented the staff report.

F. SITE INSPECTION (Conduct on own)

G. PUBLIC HEARING

1. AP2019.20-01 ZBA 7565 Ann Arbor Street Side Yard Setback Variance Request from Article XX, Schedule of Regulations, Section 20.01, Schedule of Regulations for Principal Buildings – Residential, side yard setback requirement in the R-1B One Family Residential – Small Lot District.

Chairperson Mekas presented the case.

Mr. Auerbach presented the staff report as included in the packet.

Ms. Carol Watkins of C. A. & R. Renos, LLC, applicant, presented an overview of her variance request:

The Dexter Historical Society provided the age of the house. The existing sunroom is six feet in height, and the kitchen is six and one-half feet in height, which does not meet code. The renovation plans include increasing the ceiling height, creating a cathedral-style kitchen overlooked by a second-floor bedroom, and adding three bathrooms and ADA compliant entrances. The downstairs will have three-foot doorways and walkways inside of the garage. The fire damage is extensive. Most of the damage is on the back wall. It doesn't make sense to demolish the house as it is a lovely Greek revival. The renovation will be a value to the community.

Mr. Stewart asked if Ms. Watkins was planning on living in the house. She replied that she is not.

Mr. Wise asked if she plans to keep the tree in the front of the house, as it may impede the renovation. Ms. Watkins replied that there's a tree in the back of the house that she may have to take down. Mr. Wise reiterated that he is concerned about the tree in front of the house.

Chairperson Mekas asked if Ms. Watkins had considered buying property from the neighbor to eliminate the setback encroachment. Ms. Watkins replied that she has been unable to contact the neighboring property owner.

Mr. Wallaker asked where the termite damage was located. Ms. Watkins replied that it is in the front of the house. Chairperson Mekas asked for clarification because the variance application and staff report states that the damage is in the back of the house. Ms. Watkins replied that the front of the house is damaged as well.

Chairperson Mekas opened the public hearing at 7:33 PM. No members of the public were present for comment. Chairperson Mekas closed the public hearing at 7:33 PM.

After discussion, members took the following action:

Moved Stewart; support Wise:

Based on the information provided by the applicant and staff at the September 16, 2019 Zoning Board of Appeals meeting, the Board determines that the setback variance requested in application AP2019.20-01 ZBA 7565 Ann Arbor Street Side Yard Setback Variance Request, submitted by Ms. Carol A. Watkins for property located at 7565 Ann Arbor Street, Dexter, MI 48130 (08-08-06-406-014), **MEETS** the criteria required for the considering a variance request, pursuant to Section 24.06(A).

Therefore, let it be resolved the Zoning Board of Appeals **GRANTS** the following variance from Section 20.01:

1. A 5.7-foot variance from the 10-foot side yard setback required by Section 20.01 of the City of Dexter Zoning Ordinance.

Let it further be resolved, a 4.3-foot side yard setback shall be **PERMITTED** in order for the applicant to construct second-story addition to the existing, non-conforming single-family home, subject to the following conditions:

1. Obtaining a Zoning Compliance Certificate for the proposed renovations.

The determination was made based on the following findings, per Section 24.06(A), of the City of Dexter Zoning Ordinance:

1. Practical difficulties due to the nature of the non-conformity and the structural damage.
2. Substantial justice consistent with the rights of other property owners as established under Section 4.03 of the City of Dexter Zoning Ordinance.
3. No detriment to public safety and welfare.
4. The need for the variance request was not of the applicant's creation, per the staff report.
5. The variance request does not pose any safety hazard or nuisance, per the staff report.
6. The proposed variance request is consistent with the adjacent land uses and objectives of the Master Plan.

Discussion followed:

Mr. Wallaker stated that Section 4.03 of the zoning ordinance establishes that a non-conforming single-family dwelling may be replaced regardless of the extent of damage, but that it is difficult to say that the practical difficulty standard is met to grant the requested variance.

Chairperson Mekas stated that he liked the proposal, but that it seemed like more of a matter convenience and cost than a practical difficulty.

Mr. Wise stated that the staff report indicates that the Board should site evidence that it is impractical for the applicant to rebuild the second story to its existing dimensions, and asked if members agree that evidence had been presented.

Mr. Wallaker and Chairman Mekas stated that they would like to know more about the extent of the damage, and that they would like to know more about whether the existing structure meets building code requirements.

Mr. Auerbach stated that staff could request additional documentation about the damage from the applicant, and information from the Washtenaw County

Building Department about whether the existing structure meets building code requirements.

Mr. Stewart stated that he would like to withdraw his motion. Mr. Wise stated that he supports withdrawing the motion.

Motion Mekas; support Wallaker:

The Board moves to **POSTPONE** AP2019.20-01 ZBA 7565 Ann Arbor Street Side Yard Setback Variance Request until the next scheduled Zoning Board of Appeals meeting to allow the applicant time to address the following items:

1. Clarification about the extent of the structural damage.
2. To provide more information about the existing structure, whether or not living space is available on the second story, and what needs to be done to bring the building up to code.

Ayes: Wise, Stewart, Wallaker, Mekas

Nays: None

Absent: Michels

Motion Carries

H. OTHER BUSINESS

I. ADJOURNMENT

Motion Wise; support Wallaker to adjourn at 8:16 PM.

Unanimous voice vote approval with Michels absent.

Respectfully submitted,

Mike Auerbach
Assistant Planner

Approved for Filing: 10/21/2019